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NATURAL RESOURCE SPECIAL DISTRICTS IN APPALACHIA

REVIEW OF ENABLING LAWS

ECONOMIC RESEARCH SERVICE
U.S. DEPARTMENT OF AGRICULTURE
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ABSTRACT

This report summarizes selected enabling legislation for natural resource special districts in the Appalachian Region. It was found that the legislation generally (1) was adequately detailed in specifying formation procedures, (2) did not adequately provide for planning, (3) was not sufficiently specific on intergovernmental relationships, and (4) lacked detailed provisions for merger, annexation, or termination.

Keywords: Special districts, institutions, local government, natural resources, economic development, Appalachia.

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HIGHLIGHTS

Economic development planners basically have two choices in organizing programs: (1) They may work within the existing institutional framework, or (2) they may create a new framework that is formed in addition to the existing structure.

Of the State laws that authorized special districts in the 11 original Appalachian Region States, 66 were identified that allow creation of natural resource special districts. When the contents of these laws are related to current pressing requirements for planning and organizing resource development, four general observations become clear. These could well form testable hypotheses for future research on special districts.

First, the legislation is detailed in specifying formation procedures that vary from State to State, reflecting differences in governmental structure. The statutes are relatively explicit in stating procedural requirements.

Second, though planning is currently thought to be vital to development programs, enabling legislation for special districts is generally silent on many factors that are considered important in development planning. This observation holds both for pre- and post-organization planning. The planning provided for in the legislation is generally functional or special purpose, and provisions are not necessarily related to comprehensive planning. Such provisions can be explained partly by the fact that basic enabling legislation often predates the recent emphasis on comprehensive planning.

Third, relationships of districts to other governmental units are not sufficiently structured to encourage financial accountability and integration of operating programs at all levels. This lack of formalized procedures is consistent with the previous observation on planning. In addition, there is a noticeable lack of specified relationships between local districts and State agencies.

Fourth, provisions for merger, annexation, or termination, similarly, are either lacking or structured in such a way that it might be difficult to modify or end programs as needs might dictate under a planned development program. This condition contrasts with the specificity of procedures for organizing districts.

Caution must be used in interpretation of the results of this legislative review. The fact that no specific legislative provision was found for a particular activity does not mean that the activity is not actually performed. On the other hand, the fact that the activity is provided for in the legislation does not mean that it is actually performed. Whether an activity is performed can be learned only after study of the way in which given special districts are actually operating.

STUDY AREA COUNTIES

OHIO
PENNSYLVANIA
MARYLAND
VIRGINIA
KENTUCKY
NORTH CAROLINA
TENNESSEE
SOUTH CAROLINA
GEORGIA
ALABAMA
ERIE
WARREN
MC KEAN
POTTER
TIOGA
BRADFORD
SUSQUEHANNA
WAYNE
PIKE
CRAWFORD
FOREST
ELK
CAMERON
SULLIVAN
WYOMING
LACKAWANNA
LYCOMING
LUZERNE
MONROE
MERCER
VENANGO
CLARION
JEFFERSON
CLEARFIELD
CLINTON
CENTRE
UNION
SNYDER
NORTHUMBERLAND
SCHUYLKILL
COLUMBIA
CARBON
BUTLER
ARMSTRONG
INDIANA
CAMBRIA
BLAIR
HUNTINGDON
MIFFLIN
JUNIATA
PERRY
BEAVER
ALLEGHENY
WESTMORELAND
SOMERSET
BEDFORD
FULTON
GREENE
FAYETTE
WASHINGTON
BROOKE
HANCOCK
OHIO
MARSHALL
WETZEL
MONONGALIA
MARION
PRESTON
TYLER
TAYLOR
BARBOUR
TUCKER
GRANT
HARDY
PENDLETON
HIGHLAND
BATH
ALLEGHANY
BOTETOURT
ROANOKE
CRAIG
GARRETT
ALLEGANY
MORGAN
BERKELEY
JEFFERSON
MINERAL
HAMPSHIRE
HARRISON
DODDRIDGE
RITCHIE
WOOD
WIRT
CALHOUN
GILMER
LEWIS
UPSHUR
RANDOLPH
POCAHONTAS
WEBSTER
BRAXTON
CLAY
NICHOLAS
GREENBRIER
MONROE
SUMMERS
RALEIGH
WYOMING
MERCER
MC DOWELL
GILES
FLOYD
PULASKI
CARROLL
GRAYSON
WYTHE
BLAND
TAZEWELL
BUCHANAN
DICKENSON
RUSSELL
SMYTH
WASHINGTON
WISE
SCOTT
LEE
HARLAN
BELL
KNOX
WHITLEY
LAUREL
ROCKCASTLE
LINCOLN
CASEY
ADAIR
GREEN
TAYLOR
RUSSELL
WAYNE
MC CREARY
PULASKI
CLINTON
CUMBERLAND
MONROE
OWSLEY
JACKSON
CLAY
LESLIE
PERRY
KNOTT
LETCHER
BREATHITT
MORGAN
MENIFEE
ESTILL
POWELL
WOLFE
MAGOFFIN
FLOYD
PIKE
MARTIN
JOHNSON
LAWRENCE
ELLIOTT
ROWAN
BATH
MONTGOMERY
BOURBON
CLARK
MADISON
GARRARD
FLEMING
CARTER
GREENUP
LEWIS
BOYD
WAYNE
LINCOLN
PUTNAM
CABELL
KANAWHA
BOONE
LOGAN
MINGO
FAYETTE
GREENBRIER
ALLEGHANY
BOTETOURT
ROANOKE
CRAIG
GILES
PULASKI
FLOYD

NATURAL RESOURCE SPECIAL DISTRICTS IN APPALACHIA. . .
REVIEW OF ENABLING LAWS

by

Anne Hammill and Ivan Hanson 1/

The Appalachian Region, because of its recognized poverty conditions, has attracted considerable national attention, particularly with respect to implementing programs for economic development. As such programs are begun in the region, an understanding of the existing institutional structure would seem desirable.

PURPOSE OF THE STUDY

This report is an inventory of the institutional structure that existed for managing natural resources in the Appalachian Region in 1965, when the Appalachian Regional Development Act was passed.

The purpose of the study was to examine one form of existing institutional structure--the special district--and to present information about the kinds and numbers of special districts associated with natural resources. The State enabling statutes for these districts are summarized to present an overall view of the diversity of institutions in the region and to organize the material in such a way that future evaluation can be made. Using results of this report, program planners may be able to tell whether these institutional structures can be modified to influence growth in Appalachia, or whether new special districts need to be set up to better promote economic development. The report is intended for use by those program planners responsible for developing and administrating regional programs that are vitally involved in local government structure and operations. Both planners and researchers should gain a better understanding of special districts in the Appalachian Region.

As a prelude to action programs, planning is desirable and, in some instances, mandatory. Planning implies intergovernmental coordination and articulation of commonly endorsed goals. These aspects of planning by special districts in Appalachia will be examined in this paper. General questions to be explored include: What are special districts and what role do they play in economic development; how are they organized and governed; what are the specific functions for which they were established; and how are they distributed geographically in Appalachia by number and type.

Legal provisions for special districts are greatly detailed and vary widely from State to State. In this report, such provisions have been summarized and presented by type of district and by State. Thus, the reader who is interested

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in formation procedures in Alabama, for example, will be able to determine quickly how the procedures vary for each type of district authorized in that State. At the same time, a program planner concerned, on a region-wide basis, with a particular type of special district will be able to compare variations among States.

DEFINITION AND ROLES OF SPECIAL DISTRICTS

Special districts are public corporate entities that exist outside the regular structure of civil government. They exist for special, usually single, purposes and perform limited functions, although multipurpose districts also exist. Special districts are formed under a wide variety of State statutory procedures and are governed by an elected or an appointed board of directors. Districts almost always have a territorial jurisdiction and, usually, some taxing power.

Planning is a function not universally engaged in by special districts. Traditionally, city, county, and State governments have performed this function. However, special districts may, and many do, share in planning activities.

Numerically, special districts represent a significant portion of the institutional structure of Appalachia. In 1967, special districts in the 11 States that are wholly or partly in the Appalachian Region numbered 3,918. However, the functions of these districts in implementing economic development in the region may be neither clearly understood nor fully considered.

Special districts concerned with natural resources effect economic development through their influence on land and water resources. These influences may be indirect, as with the services performed by soil and water conservation districts to encourage erosion control practices among individual farmers. When adopted widely, these practices can affect cropping patterns of an entire community. More direct influence is exerted by special districts such as those that provide for water supplies and sanitation. These districts may hasten, retard, or redirect urbanization of farmland by providing utilities to homeowners and businesses. In some instances, districts can control the water level in streams, regulate water charges, and direct the allocation of increasingly scarce water supplies among users. Thus, natural resource special districts influence the rate and direction of resource use and, in turn, the working and living environment.

SPECIAL DISTRICTS STUDIED IN APPALACHIA

Enabling laws for special districts in the 11 Appalachian States shown in the map on page ii were examined. 2/ A total of 66 enabling statutes were selected for detailed study. 3/ These statutes are listed, by type of

2/ Counties in Mississippi and New York were added to the region after the Appalachian Regional Development Act was passed in 1965. This report does not include information on these counties.

3/ The study was limited to a review of general enabling legislation for special districts and did not include special legislation.

district and by State, in appendix A. The worksheet listing information obtained from each statute is reproduced as appendix B. A major effort was made to consider only those statutes that establish districts that are administratively and financially autonomous.

Purposes for which special districts were established range from preserving wildlife to preventing floods. Only those associated with resource development were enumerated. According to the 1967 Census of Governments, 1,961 special districts pertaining to natural resources had been formed in the 11 States.

TYPES AND PURPOSES OF SPECIAL DISTRICTS

Statutes outline in two ways the functions to be performed. These two ways are frequently overlapping and duplicative. One is to state generally the objectives and functions of the district. The other is to delegate specific duties to the district's board of directors. Although information presented here on types and functions of special districts is too general for decision-making by planners, it can serve as a guide in their detailed study of the enabling acts.

Purposes for which soil conservation districts were organized differ among States but include the following basic points for all Appalachian States except Ohio, Kentucky, and Tennessee:

1. Conservation of the soil and soil resources of the State.
2. Control and prevention of soil erosion.
3. Prevention of floodwater and sediment damage.
4. Furthering of conservation, development, use, and disposal of water. The aim is to preserve natural resources, control floods, prevent impairment of dams and reservoirs, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of the State.

Purposes of soil conservation districts in Ohio are to "conduct preliminary surveys," and "to develop a plan for comprehensive control, regulation, and/or use of land or water resources." In Kentucky, the purpose is to develop "soil conservation methods;" in Tennessee, the phrase "to promote the health, safety, and general welfare of the people" is used.

Water supply districts are organized essentially to provide utilities or to develop and conserve water. Kentucky directors of water supply districts have authority to operate a gas distribution system and sewage disposal system and to provide fire hydrants. In South Carolina, such directors have authority to construct, maintain, and operate a water supply system.

Sanitation districts are organized primarily to provide adequate sewer and drainage facilities. 4/ Additional objectives can include providing irrigation where needed, regulating flow of streams, and developing and providing water

4/ For purposes of this report, the specific enabling statutes were grouped into general categories and appear under general category and State in app. A.

for domestic, industrial, and agricultural uses. The prevention of stream pollution is an objective of some. Tennessee districts also have authority to provide for garbage collection and trash disposal.

Only the Virginia statutes give powers to the board of directors of the sanitation and water supply districts. In Virginia, directors have authority to operate sewage disposal plants; construct, maintain, and operate a water supply system; and provide for garbage and trash collection and disposal.

The major objectives of drainage districts are providing for drainage and land reclamation. Other purposes are to construct levees; to regulate stream channels by changing, widening, and deepening them; and to control and prevent erosion. Statutes in Kentucky and South Carolina expand directors' functions to include construction and maintenance of hydroelectric power plants.

Flood control districts are organized to prevent floods and to regulate flow of streams.

The purpose of park and recreation districts is to provide a recreational system. In Ohio, these districts also can maintain a museum of natural history and can provide forest reservations.

Statutes for public works districts in Alabama, Kentucky, Pennsylvania, and Tennessee specify powers of the board of directors. All four States' statutes specify that the board may operate sewage disposal systems.

Statutes for Kentucky, Pennsylvania, and Tennessee authorize garbage and trash collection and disposal; street lighting and cleaning; and acquisition, maintenance, and operation of parks and playgrounds.

In Alabama, Pennsylvania, and Tennessee, statutes permit boards of directors to construct, maintain, and operate a water supply system. In Alabama and Tennessee, statutes provide for distribution of gas; in Kentucky and Tennessee, directors are authorized to provide for police and fire protection; in Kentucky and Pennsylvania, directors can construct and maintain streets, sidewalks, and alleys; and in Pennsylvania and Tennessee, directors can conduct, maintain, and operate the recreational system. In Alabama, the boards of directors are authorized to use municipal employees and facilities and to construct and maintain hydroelectric power plants. In Pennsylvania, these boards can create parks, parkways, and forest reservations.

ORGANIZING PROCESSES

The organizing processes are procedures detailed in the enabling statutes for creating special districts. These procedures not only specify steps to be followed by the organizers, but also provide a means by which the public can guard against indiscriminate creation of special districts. In addition, they provide a form for dissent by the opposition. Information presented in this report on organizing procedures is too general for adequate decisionmaking by planners, but can provide guides to further study.

Key elements in the organizing processes are: Formation petitions, hearings, referenda, and appeal to courts. Traditionally, there have been no set patterns, much less standards, for uniform creation of various kinds of districts. Not only do the procedures vary in detail from statute to statute and State to State, but also some statutes may not contain all specific details of the elements for creating special districts.

It would be difficult to support the argument that procedures should be identical for all special districts in all States studied; allowance must be made for differing governmental systems and customs. Nevertheless, knowing the procedures is important, especially when these districts are to be used as local instruments of a national or regional program and when such districts may possibly be used to bring greater or sole benefits to a few promoters, rather than equal benefits to all.

The organizing procedures specified in the 66 selected enabling statutes were tabulated. Usually, such a great variation existed between States and among statutes within a State that no procedural patterns could be detected (table 1).

Formation Petitions

The most common way to organize a special district is by petition. This method was prescribed in 56 of the 66 enabling laws examined. The remaining 10 allow initiating action to come through (1) an ordinance or resolution of one or more governing boards of a local political subdivision, (2) a State agency, or (3) a county court. Special districts not initiated by petition are usually in the sanitation, sanitation and water supply, water supply, and public works categories.

There are 30 different variations in the number of signers required for the petitions, ranging from one landowner (in the marshland drainage districts of Pennsylvania) to all landowners within the boundaries of the proposed district (in the agricultural development districts of North Carolina). These 30 variations are used singly, in combination with others, or as an alternative procedure. Most enabling statutes specify an absolute number or percentage of signers required plus their qualification as a landowner, resident landowner, or taxpayer, and in some instances, tenant or land occupier. Under eight statutes, the governing body of one or more political subdivisions can sign. This procedure differs from that in the 10 statutes under which the special district is created by an ordinance or resolution of the political subdivision's governing body.

Hearings

A signed petition is presented to a designated hearing board that certifies that the petition is properly executed, hears arguments for and against the proposed special district, and issues the order creating or denying the district.

Table 1.--Organizing procedures in enabling statutes for special districts, Appalachia, 1965 1/

State	Soil conservation	Recreation and parks	Water supply	Public works	Drainage	Sanitation	Sanitation and water supply	Flood control
Alabama	2/ P,H,R,A		P,H	P,H,R	P,H,A			
Georgia	P,H,R,A				P,H,A			
Kentucky	P,H,R,A		P,H	P,H,R	P,H,A	P,H,A		P,H,A
Maryland	P,H,R,A				P,H	P,H	P	
North Carolina	P,H,R,A				P,H,A	P,H,A	P,H	
Ohio	P,H,R,A	P,H				P,H,A	P,H	
Pennsylvania	P,H,R		P,H,A	P	P,H			P,H,A
South Carolina	P,H,R,A		P,R	P,R	P,H,R,A			
Tennessee	P,H,R,A			P,H,A	P,H,A	P,H,R		
Virginia	P,H,R,A	P,R			P,H,A	P,H,R	P,H,R,	
West Virginia	P,H,R,A				P,H,A	P,H,R	P,H,R	

1/ For those States with multiple enabling acts, provisions designated may appear in one or more statutes. See app. A.

2/ Petition - P; hearing - H; referendum - R; appeal - A.

County courts are authorized more often to hear petitions than are any other groups. They are listed in the statutes 23 times. The groups next most frequently designated as hearing boards are State agencies or officials. Represented among these groups are the State soil and water conservation boards (widely used for creating soil and water conservation districts), the Secretary of State, the State department of assessment and taxation, the State Board of Health, or other sanitation and pollution control officials.

Among other groups designated as hearing boards are the circuit court, the county soil and water conservation committee, county legislative delegates, county commissioners of elections, the governing body of a city or town, or the parent district of a subdistrict.

Referenda

Enabling laws may or may not require that the petition or resolution to create a special district be submitted to a popular vote. Referenda are required by 23 statutes, mainly soil conservation and conservancy enabling laws, and are not required by 38 statutes. Five additional laws permit or require referenda, depending on the circumstances--usually when substantial opposition occurs at a hearing or specified numbers of people protest in writing.

When a referendum is held, a majority vote is usually sufficient for passage. In only two instances must the referendum be held at the time of a general election. Some political scientists believe that special district referenda should be held at general elections to reduce fragmentation of the election system and get a cross section of voters.

Appeals

Appeals are formal, legal procedures that allow the electorate to ask a higher court or agency to reverse a decision. Thirty statutes specify the appeal procedures. The State soil and water conservation committee is the most common agency because soil conservation enabling laws are relatively uniform in all States studied except Pennsylvania. As a category, drainage districts have the next largest number of specified appeal procedures; eight statutes direct appeals to either a county or circuit court. Decisions may also be appealed to county soil and water conservation district supervisors, the court of appeals, or other courts.

Decisions that can be appealed include: Disapproved petitions, an order establishing a district, a court refusal to include or exclude lands, an assessment approval, the viewer's recommendation on creation of a special district, any final order, or any final judgment.

THE GOVERNING BODY

Provisions for governing a special district are important for several reasons: Whether members are elected or appointed influences the amount of control

the public may have, the rigidity with which certain members hold office, and the time required to replace established members with persons of different philosophy.

Almost all enabling laws studied provide that special districts be governed by a special board. Two-thirds (45) of these districts are governed entirely or partly by appointed boards. Of those remaining, 27 are governed by elected officials and two had no governing body specified. Both appointed and elected officials frequently govern soil conservation and sanitation districts.

County judges appoint members to about one-fourth (11) of the appointed boards. Agencies responsible for making appointments are State soil and water conservation committees, county commissions, governing bodies of cities or towns, and district boards (table 2).

FINANCIAL POWERS

Sources of funds and limitations on their use are important to the autonomy of special districts and to the eventual scope of programs or projects. The authority to levy taxes or issue bonds allows a special district more independence than would be true if the district had to rely on State or Federal financing. However, taxation may result in a financial burden on the community unless the rate of assessment is regulated. These questions will be explored for types of special districts.

Local Revenues

In Appalachia, soil conservation districts are permitted by legislation to accept funds from any State or Federal agency. Only in Kentucky, Ohio, and West Virginia does legislation permit these districts to levy general or property taxes to meet their needs. Maryland districts have authority to issue bonds to a debt limit of $50,000. In Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, the districts are allowed to charge user fees. Except in Maryland and North Carolina, these fees are set by the districts.

Statutes providing for sanitation districts in Tennessee, North Carolina, West Virginia, Virginia, Ohio, Kentucky, and Maryland authorize a levy of some form of tax to gain revenue. Kentucky enables sanitation districts to levy a special assessment, Ohio allows both a special assessment and a general property tax, while the other States allow only the levy of general property taxes.

Kentucky limits the tax rate to 15 cents on each $1 of assessed valuation; Ohio, three-tenths of 1 mill on assessed valuation in preliminary assessment; and Tennessee, 15 mills per dollar of taxes assessed.

Special districts in all States studied except Tennessee can issue bonds as a revenue source. North Carolina, Virginia, and West Virginia require a general referendum. The interest limit on bonds for the States is 6 percent (Kentucky has statutes that provide for both 5 and 6 percent). The size-of-debt limitation varies among States from 5 percent of the valuation of taxable

Table 2.--Number of statutes specifying provisions for governing boards, special districts, Appalachia, 1965

Provisions	Conservancy (C)	Drainage (D)	Flood control (FC)	Parks and recreation (P&R)	Soil conservation (SC)	Sanitation (S)	Sanitation and water supply (S&WS)	Water supply (WS)	Public works (PW)	Other	Total
					Number						
Governing board:											
District board	8	13	2	2	11	10	5	5	5	1	62
County commissioners						1				1	2
City council						1					1
State agency			1								1
Other											
Board members:											
Appointed	4	5	3	2	9	9	4	5	3	1	45
Elected	4	8			9	3			3		27
Not specified							1			1	2
Appointed by:											
County commissioners	1	1			1	2					5
County judge	1	2	1	1		5		1			11
Circuit court judge		1									1
Members of existing board								1	1		2
Governors							1	1	1		3
Political subdivision(s) represented						1	1		1		3
County probate court		1									1
Supervisors of soil conservation district	2										2
State soil conservation committee					8						8
City mayor			1			1					2
Governing body of city or town				1			2	1			4
Court of common pleas								1			1
State health commission						1					1
Not specified		1	2							2	5

property within the district to 100 percent of the cost of the improvement. Special districts in all States except Tennessee are empowered to collect user fees established by these districts.

Statutes providing for park and recreation districts in Virginia and Ohio authorize districts to issue bonds with interest limited to 6 percent. Ohio statutes, in addition, provide for a special assessment levy or general property tax as a source of revenue, but the assessment may not exceed 50 percent of the total cost of the improvement. Virginia statutes allow these districts to charge user fees established by the districts.

Statutes in Pennsylvania, South Carolina, Alabama, and Kentucky provide for water supply districts. In all these States, these districts can issue bonds, but only in Pennsylvania and Kentucky can the districts levy taxes. Only Pennsylvania has a specified tax rate limitation, which is 3 mills on each dollar of assessed valuation.

In Pennsylvania, South Carolina, and Alabama, water supply districts can set and collect user fees. Alabama and Pennsylvania statutes specifically allow water supply districts to accept State and Federal financing, while in Kentucky, they can accept county financing to establish or purchase a water line or system. Both Alabama and Kentucky delegate their water supply districts the power to sell land.

Ten of the eleven Appalachian States have statutes allowing drainage districts; Ohio does not. Drainage districts in all these States can levy special assessments and, except in Pennsylvania, can issue bonds. Referenda are not required before bonds are issued. Bond interest is limited to 6 percent in eight of the States. In Maryland and Pennsylvania, no rate is specified. In Georgia, interest may be 8 percent if bonds do not exceed $100,000.

Georgia, Kentucky, Maryland, South Carolina, and Virginia allow drainage districts to accept Federal financing. In addition, South Carolina allows them to accept State funds, and Kentucky allows acceptance of county funds. All districts except those in Kentucky, Pennsylvania, and Tennessee can sell land.

Flood control districts are provided for in Kentucky and Pennsylvania. In Kentucky, they can levy taxes, issue bonds, and accept Federal financing. Pennsylvania's districts can accept Federal and State financing.

In all States with conservancy districts except West Virginia, the districts can issue bonds. Those in Kentucky, North Carolina, Ohio, Tennessee, and Virginia can levy taxes. In all States but Kentucky, conservancy districts can accept State financing; and in all but Kentucky and Ohio, they can accept Federal financing.

Public works districts are provided for in Alabama, Kentucky, Pennsylvania, South Carolina, and Tennessee. In all these States except Tennessee, these districts are allowed to levy taxes. Tennessee specifically prohibits levying of taxes by public works districts. All five States allow the districts to

issue bonds. Kentucky and Pennsylvania provide for acceptance of Federal and State financing, while South Carolina's legislation covers only Federal financing. Districts in all States can charge user fees.

Federal Aid

When local funding is not obtainable, the availability of Federal aid for specific projects may hasten their inception. However, Federal aid often carries Federal controls or requirements. Aspects of Federal assistance to special districts that are considered here include sources of funds, purposes for which funds are allocated, minimum and maximum amount of funds transferable, and interest rate and repayment provisions. Federal aid is not mentioned in statutes for conservancy, soil conservation, recreation and parks, public works or water supply districts. Statutory requirements are summarized in table 3 for States that have statutory provision for Federal aid.

Flood control districts in Kentucky must use Federal aid for construction, reconstruction, repair, or maintenance. 5/ In Pennsylvania, statutes specify that funds from any Federal agency can be used for flood control works and improvement.

Sanitation districts in Kentucky and Maryland are allowed to accept funds from any Federal agency. In Maryland, repayment takes place when bond financing is available.

Drainage districts in North Carolina and Virginia may accept funds from any Federal agency. In Virginia, statutes specify that these funds are to be used to refund all or part of the district's outstanding bonds.

Sanitation and water supply districts in Maryland have authority to obtain funds from any Federal agency for construction, repair, or maintenance, or for the purpose specified in the grant.

Apparently, few States have statutes that specifically limit their special districts in receipt and use of Federal aid. Generally, the statutes are silent on the subject.

Fundraising authorities seemingly allow most kinds of special districts in almost all States studied a great amount of autonomy. The authority to accept Federal and State funds or to charge user fees is not specifically provided as often as is the authority to levy taxes or issue bonds. In some instances, special districts are empowered to use all these fundraising devices.

PLANNING ACTIVITIES

Planning is an essential step in natural resource development. It is most effectively done in cooperation with other agencies. The extent to which State statutes provide for planning activities indicates the flexibility with which

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5/ The statement applies to levee districts specifically, but for purposes of this report, levee districts are included in the category flood control. See app. A.

Table 3.--Federal aid provisions and their requirements in State statutes for special districts, Appalachia, 1965 1/

Provision and requirement	Flood control	Sanitation	Drainage	Sanitation and water supply
Source of funds:				
Any agency	Pennsylvania	3/ Kentucky Maryland	4/ North Carolina Virginia	Maryland
Use of funds:				
Flood control works	Pennsylvania			
Construction, reconstruction, repair, or maintenance	2/Kentucky			Maryland
Purpose for which grant was made				Maryland
To refund all or part of outstanding bonds			Virginia	
Repayment:				
When bond financing available		Maryland		
Cost-sharing:				
May obligate the State to pay part of cost	Pennsylvania			

1/ Most enabling acts were silent on this point. The table summarizes the type of provision that was made when Federal aid was mentioned.
2/ Levee districts. See app. A.
3/ Ky. Rev. Stat. §§ 76.005 to 76.230.
4/ N.C. Gen. Stat. §§ 156-54 to 156-138.3.

new problems may be met or new objectives encompassed by the established special district. Preorganizational planning for the district itself establishes need and direction the district might take.

For public works, sanitation and water supply, and park and recreation districts, the statutes contained no planning provisions. Drainage districts were provided opportunity for pre- and post-organizational studies in all States with enabling statutes except Pennsylvania (table 4). The table illustrates the diversity in authorized planning activities for one particular type of district.

Soil conservation districts are empowered to do postorganizational planning of various kinds. In Alabama, Georgia, and Kentucky, these districts have authority to make economic studies. In all States except Georgia, Ohio, and Pennsylvania, these districts can prepare detailed engineering studies. All States except Pennsylvania allow these districts to make "comprehensive plans;" Pennsylvania is the only State that provides for participation by its districts in area planning activities.

North Carolina, Ohio, Kentucky, and Maryland have enabling statutes that provide for planning by their sanitation districts. Kentucky is the only State of the four that provides for preorganizational investigation to set boundaries and to decide what land will receive benefits. All four States allow their sanitation districts to do postorganizational investigation. All except North Carolina allow them to make detailed engineering studies; and all four States allow studies of construction costs. Other permitted activities include preparing and studying area maps and developing plans and specifications for the work to be done.

Kentucky and Pennsylvania allow their flood control districts to conduct preorganization investigation. In Kentucky, through such investigations, these districts can set their boundaries on the basis of what land will be benefited; they can determine boundaries, elevations, and courses of all drains and levees; and they can assess a just compensation to property owners for land required for drains and levees. Pennsylvania allows these districts to investigate costs of construction. Both States also provide for investigation and development of area maps.

Postorganizational investigations are specified only for flood control districts in Kentucky and can include detailed engineering studies.

Only postorganization investigation is authorized for conservancy districts in Maryland, Ohio, Tennessee, Virginia, and West Virginia. Investigations can cover costs of construction, detailed engineering studies, costs of operation and maintenance, area maps, and comprehensive plans.

Apparently, planning contemplated in the statutes is concerned more with methods of accomplishing the task at hand efficiently than with the broader views of how a specific task or objective fits into total development.

Table 4.--Planning activities, drainage districts, Appalachia, 1965 1/

Activities	Ala.		Ga.	Ky.		Md.	N.C.	Pa.	S.C.		Tenn.	Va.	W. Va.
	1	2	1	1	2	1	1	1	1	2	1	1	1
Preorganization investigation:													
Economic studies													
Impact on local tax structure													
Impact on local debt structure													
Detailed engineering studies	X					X					X		
Costs of construction	X	X				X					X		X
Costs of operation and maintenance											X		
Area maps	X	X	X	X	X	X	X		X			X	
Work to be done, plan, estimate of benefits		X											
Boundaries, what land will be benefited													X
Boundaries, elevations, course of drains and levees					X				X				
Practicality, benefits, reclamation or improvement district							X						
Assess a just compensation													
Practicality, benefits, value after project												X	
Postorganization investigation:													
Economic studies													
Impact on local tax structure													
Impact on local debt structure													
Detailed engineering studies	X		X	X	X		X		X	X	X	X	
Costs of construction	X		X	X					X	X	X	X	
Costs of operation and maintenance	X									X	X		
Area maps	X		X	X	X		X		X	X		X	X
Develop "official plan"													
Other necessary data													
Classify land for assessments				X			X						
Comprehensive plans										X		X	X
Participation in regional planning:													
Construction of zoning ordinances													
Participation in area planning activities													
Coordination of district activities with area plan specifications													

1/ The numbers for the column headings under the States signify separate enabling acts that are listed in app. A. For instance, Ala. has two enabling acts for drainage districts. Ohio has no enabling act for drainage districts and thus, is not included in this table.

OTHER POWERS

In addition to their fundraising authority, special districts studied are enabled by statutes to exercise other legal powers such as eminent domain, purchase and sale of real and personal property, negotiation of contracts, and engagement in regulatory actions (table 5). These powers are important because they may indicate constraints on actions that can inhibit the districts in carrying out objectives, and hence, endanger the viability of the districts. Delegation of the power of eminent domain allows special districts to more readily acquire private property needed for public projects. For districts that do not have this power, acquisition is considerably more difficult. Such difficulty can cause delay and even failure of a project.

Only two States authorize powers of eminent domain for soil conservation districts. South Carolina gives only certain soil conservation districts this power; and West Virginia, in its statutes, enables these districts to exercise eminent domain for fee and less than fee interests. Exercise of eminent domain for fee interests implies that all rights in property are acquired, while exercise of eminent domain for less than fee interests refers to acquisition of some lesser property interests. These lesser interests may be easements or right-of-way privileges.

In all the remaining Appalachian States except Ohio, the following powers are authorized for soil conservation districts: Districts may enter into contracts, buy and sell real property in fee and less than fee interests, buy and sell personal property, cooperate with other districts and with State and Federal agencies, allocate land uses and supervise conservation activities with consent of the landowner, conduct investigations after district organization, and make necessary conservation improvements.

Soil conservation districts in Ohio are not expressly empowered to enter into contracts, buy or sell real property, cooperate with other districts, or make conservation improvements.

In every State with an enabling statute for sanitation districts, these districts have the power to exercise eminent domain for fee and less than fee interests except that in Tennessee, the extent of this power is not expressed.

All these States except Tennessee permit sanitation districts to enter into contracts, buy and sell real property in fee and less than fee interests, and buy and sell personal property. Regulatory powers granted these districts by the States are as follows: Kentucky districts can set rates for services provided, allocate uses of sanitation facilities, and supervise activities of other groups engaged in sanitation activities in the county. Maryland districts can set rates; North Carolina and Ohio districts can allocate uses. Ohio districts can supervise activities by (1) prescribing the design, construction, and use of sewers, and the manner in which connections to trunk sewers shall be made; (2) prescribing the permissible uses of the water supply and the manner of its distribution; and (3) prohibiting discharge into sewers of any liquid or solid wastes deemed detrimental to the works of the district. North Carolina districts can require persons to connect with the water or

Table 5.--Powers other than financial as specified in enabling statutes for special districts, Appalachia, 1965

Power	Type of district 1/	Ala.	Ga.	Ky.	Md.	N.C.	Ohio	Pa.	S.C.	Tenn.	Va.	W. Va.
Eminent domain:	SC								2/			1,2
Fee (1)	S			1,2	1,2	1,2	1,2			3	1,2	1,2
Less than fee (2)	S&WS				1,2	3	1,2				1,2	1,2
Extent not specified (3)	PW	1,2		3				3	3	1,2		
	R&P						1,2				1,2	
	FC			3				3				
	WS	1,2		1,2				1,2	3			
	D	3	1,2	3	3	3			3	1,2	3	1,2
Enter contracts:	SC	4	4	4	4	4		4	4	4	4	4
Yes (4)	S			4	4	4	4				4	4
No (5)	S&WS				4	4	4				4	4
Implied (6)	PW			4				4	4	4		
	R&P										4	
	FC			4				4				
	WS	4		4				4	4			
	D	4	4	4	6	4			4	4	4	4
Buy real property:	SC	7,8,9,10	7,8,9,10	7,8,9,10	7,8,9,10	7,8,9,10		7,8,9,10	7,8,9,10	7,8,9,10	7,8,9,10	7,8,9,10
Fee (7)	S			7,8,9,10	7,8,9,10	7,8,9,10	7,8,9,10				7,8,9,10	7,8,9,10
Less than fee (8)	S&WS				7,8,9,10	7,8,9,10	7,8,9,10				7,8,9,10	
Sell real property:	PW	7,8,9,10						7,8,9,10		7,8,9,10		
Fee (9)	R&P											7,8,9,10
Less than fee (10)	FC											
	WS	7,8,9,10		7,8				7,8,9,10	7,8,9,10			
	D		7,8,									7,8
Personal property:	SC	11,12	11,12	11,12	11,12	11,12	11,14	11,12	11,12	11,12	11,12	11,12
May buy (11)	S			11,12	11,12	11,12	11,12				11,12	11,12
May sell (12)	S&WS				11,12	11,12	11,12				12,13	11
Implied (buy) (13)	PW	11,12						11,12	11	11,12		
Implied (sell) (14)	R&P										11	
	FC							12				
	WS	11,12		11,12				11,12	11,12			
	D			11,12		12,13			12,13			13,14
May cooperate with:	SC	15,16,17	15,16,17	15,16,17	15,16,17	15,16,17	16,17	15,16,17	15,16,17	15,16,17	15,16,17	15,16,17
Other dists. (15)	S				15,16,17	16,17	15,16,17					
State agencies (16)	S&WS				15,16,17		15				15,16,17	
Fed. agencies (17)	PW							15,16,17				
	R&P											
	FC			17				16,17				
	WS	15,16,17		15,17				15,16,17				
	D	15,16,17	17		17	16,17				15,16,17		

See footnotes at end of table.

-- Continued

Table 5.--Powers other than financial as specified in enabling statutes for special districts, Appalachia, 1965 (Continued)

Power	Type of district 1/	Ala.	Ga.	Ky.	Md.	N.C.	Ohio	Pa.	S.C.	Tenn.	Va.	W. Va.
Regulatory powers:	SC	21,23	21,23	21,23	21,23	21,23	21,23	21,23	21,23	21,23	21,23	21,23
Set standards (18):	S			19,21,22	19	21,23	21,23			23	19,23	19
Set rates (19)	S&WS				19,23		21,23				19	19
Issue permits (20):	PW	19						19	19	19		
Allocate uses (21):	R&P										19,21	
Allocate quantities (22)	FC			21								
Supervise activities (23)	WS							19,23				
	D									23		
Conduct investigation:	SC	25,26	25,26	25,26	25,26	25,26	25	25,26	25,26	25,26	25,26	25,26
Before organization (24)	S			25,26	24,25,26	25,26	25,26				25	
After organization (25)	S&WS				26	26	25,26					
	PW	25,26						26				
Make improvements:	R&P											
Yes (26)	FC			24,25				24,26				
	WS	24,25,26		25,26				26				
	D	24,25,26	24,25,26	24,25,26	24	24,25,26			24,25,26	24,25,26	24,25	24,25,26

1/ See table 2 for full names of special districts. For those States with multiple enabling acts, provisions checked may appear in one or more statutes. See app. A.

2/ Granted only to certain districts.

sewerage system of the district, require installation of septic tanks, and regulate stockyards; Virginia and West Virginia districts can set rates.

Kentucky and Maryland authorize sanitation districts to conduct investigations before and after organization of the district, while North Carolina, Ohio, and Virginia provide for this only after organization of the district. In Kentucky, Maryland, North Carolina, and Ohio, sanitation districts may make improvements in sanitation facilities.

In Maryland, North Carolina, Ohio, Virginia, and West Virginia, the States with statutes authorizing sanitation and water supply districts, all statutes grant these districts the power of eminent domain. In North Carolina, the extent of this power is not expressed, but in the other States, it is for fee and less than fee interests.

In all the above States, sanitation and water supply districts can enter into contracts, buy personal property (an implied power in Virginia), and buy real property. In West Virginia, the extent of the interest to be purchased is not specified, but in the other States, purchase of fee and less than fee interest in real property is permitted.

Sanitation and water supply districts in Maryland, North Carolina, Ohio, and Virginia can sell real property in fee and less than fee interests, and they can sell personal property. In Maryland, Ohio, and Virginia, these districts can cooperate with other districts. Maryland and Virginia districts can cooperate with State and Federal agencies. District regulatory powers authorized are: Maryland, setting rates for services provided, and compelling a plant to treat sewage before discharging it into a sewer system; Ohio, prescribing the permissible use of the water supply and the manner of its distribution, and prohibiting discharge into the sewers of the district any liquid or solid wastes detrimental to its works and improvements; and Virginia and West Virginia, setting rates. Ohio districts may conduct investigations after organization of the district. Maryland, North Carolina, and Ohio allow their districts to make improvements.

Of the States with statutes authorizing public works districts--Alabama, Kentucky, Pennsylvania, South Carolina, and Tennessee--Kentucky's specify the fewest powers--eminent domain, and the right to enter into contracts. Pennsylvania authorizes all powers considered in this study. The other States allow purchase and sale of real property in fee and less than fee interests and purchase and sale of real property. Their districts are also empowered to make postorganizational investigations.

Recreation and parks districts, authorized in Ohio and Virginia, have the power of eminent domain for fee and less than fee interests. Ohio districts can buy and sell real property, but the extent of the interest is not specified. Virginia allows these districts to buy and sell real property in fee and less than fee interests. Virginia districts can also enter into contracts and buy personal property.

In all States except Ohio, statutes authorize drainage districts, and most of these States grant a wide range of powers (table 6). However, in Pennsylvania, no specification is made of powers authorized. All the States grant the power of eminent domain, the authority to contract, and the authority to conduct investigations.

Kentucky and Pennsylvania flood control districts have the power of eminent domain and can enter into contracts, cooperate with Federal agencies, and conduct investigations. In addition, Pennsylvania districts can buy and sell real property, buy personal property, cooperate with State agencies, and make improvements.

The four States authorizing water supply districts--Alabama, Kentucky, Pennsylvania, and South Carolina--provide for eminent domain, entry into contracts, purchase and sale of real property in fee and less than fee interests (in Kentucky, extent of the selling power is not specified), and purchase and sale of personal property.

All these States except South Carolina permit improvements and cooperation with other districts and Federal agencies. Alabama and Kentucky water supply districts can conduct investigations; Pennsylvania and South Carolina districts can set rates; and Alabama and Pennsylvania districts can cooperate with State agencies.

For Appalachia as a whole, eminent domain evidently can be employed by at least one special district in each State. All States also have at least one special district empowered to enter contracts, buy and sell real and personal property, and cooperate with other local, State, and Federal government units.

RELATIONS WITH OTHER GOVERNMENT UNITS

When a special district has authority to cooperate in various ways with other districts and with local, State, and Federal agencies, such authority may result in efficiencies through shared planning and implementation of programs. Also important is the review responsibility of State governments that may or may not supervise the fiscal and other activities of otherwise autonomous districts.

Soil conservation districts, for the most part, can cooperate with other districts in the exercise of any or all district powers conferred. Cooperation with other local governments is permitted in most States. Soil conservation districts can invite consultation on programs and policies that affect a city. Planning projects in cooperation with cities is permitted in Georgia, Kentucky, Maryland, Pennsylvania, and Tennessee. Only Kentucky permits cost-sharing on projects. Georgia statutes allow mutual operation of facilities. South Carolina's districts can participate in city planning.

Forms of cooperation allowed between soil conservation districts and counties are similar to those enumerated for cities. In Ohio, statutes permit a county to exercise all powers of a soil conservation district after the county and the district have executed a service agreement.

Table 6.--Powers other than financial, drainage districts, Appalachia, 1965 1/

Power	Ala. 2/	Ga.	Ky. 2/	Md.	N.C.	S.C. 2/	Tenn.	Va.	W. Va.
Eminent domain:									
Fee		X					X		X
Less than fee		X					X		X
Extent not specified	X		X	X	X	X		X	
Enter contracts	X	X	X	implied	X	X	X	X	X
Buy real property:									
Fee		X							X
Less than fee		X							X
Implied						X			
Extent not specified			X	X	X	X			
Sell real property:									
Implied									X
Extent not specified		X	X	X	X	X			
Buy personal property			X		implied	implied			implied
Sell personal property			X		X	X			implied
Cooperate with:									
Districts	X						X		
State agencies	X				X		X		
Federal agencies	X	X		X	X		X		
Supervise activities							X		
Conduct investigation:									
Before organization	X	X	X	X	X	X	X	X	X
After organization	X	X	X		X	X	X	X	X
Make improvements	X	X	X		X	X	X		X

1/ Ohio has no enabling act for drainage districts; Pa. has an enabling act, but other powers are not specified.

2/ These States each have two enabling statutes for drainage districts. Provisions checked appear in one or both statutes in each State. See app. A.

Cooperation with State agencies takes place primarily with the State soil conservation committee. In Alabama, the secretary of state is also specified, and in Virginia, the State auditor is designated.

Water supply districts are authorized to engage in many or few cooperative activities, according to the State. As the most permissive, Alabama allows cost-sharing and planning on projects, mutual operation of facilities, and purchase or sale of water or other commodities between water supply districts and city or county governments or both.

Pennsylvania permits water supply districts to cooperate with other special districts in the exercise of any or all district powers conferred and to cooperate with other municipalities. Cooperation with cities and counties includes cost-sharing on projects, mutual operation of facilities, and purchase and sale of water or other commodities.

Kentucky allows cost-sharing on projects and mutual operation of facilities between special districts and permits purchase or sale of water or other commodities to or from cities. Water supply districts in South Carolina can sell water to other special districts, to cities, and to counties.

Pennsylvania statutes permit flood control districts, in cooperation with cities and counties, to plan and share costs on projects and to construct, maintain, and operate facilities. Kentucky statutes specify that the annual audit must be filed with the secretary of state and the county court.

North Carolina statutes are the most detailed in enumerating permitted activities of drainage districts. They can share costs with other districts, share costs on projects and jointly operate facilities, and construct and maintain projects with cities; and they must submit reports to the county and State.

Drainage districts in Kentucky and Tennessee must make reports to counties; in South Carolina, they can share costs on projects with counties; and in Alabama, they can share costs with other special districts and with counties, and they must make reports to counties.

In Kentucky, Maryland, North Carolina, and Ohio, sanitation districts are permitted several activities in cooperation with other units. These relationships are shown in table 7.

Kentucky sanitation districts must submit reports to the secretary of state and the county court. In Virginia, they must report to the State health commission.

Sanitation and water supply districts in Maryland and North Carolina may purchase or sell water to other districts, cities, or counties. North Carolina districts must also report to the State water board.

In Virginia and West Virginia, these districts can sell water to other districts and to cities. In Virginia, they can sell water or other commodities to counties; and the State water control board controls discharge of sewage.

Table 7.--Relations with other government units, sanitation districts, Appalachia, 1965 1/

	Ky. 2/	Md.	N.C. 3/	Ohio
Between districts:				
Cost-sharing on projects	X			X
Mutual operation facilities	X			X
Purchase water		X		
Sell water	X	X		
Subdistrict of large district	X			
Survey and investigation	X			X
Joint zoning commission			X	
Between cities:				
Cost-sharing on projects	X			X
Mutual operation facilities	X			X
Purchase water		X		
Sell water	X	X		
Construct projects	X			X
Maintain projects	X			X
Survey and investigation	X			X
Joint zoning commission			X	
Between counties:				
Cost-sharing on projects	X			X
Mutual operation facilities	X	X		X
Purchase water		X		
Sell water	X	X		
Reports to county		X		
Survey and investigation	X			X

1/ Enabling legislation for sanitation districts in Tenn., Va., and W. Va. did not have specific provisions for relations with other government units and therefore, these States are not listed. Ala., Ga., Pa., and S.C. have no enabling act for sanitation districts.

2/ Ky. has four statutes specifying provisions for sanitation districts. The provisions checked may be found in one or more of these statutes. See app. A.

3/ N.C. has two statutes specifying provisions for sanitation districts. The provisions checked may be found in one or both of these statutes. See app. A.

In Ohio, these districts can cooperate with other districts in sharing costs and planning projects and can engage in joint construction of projects. They can also sell water to other districts. These districts can also plan projects, share costs, sell water or other commodities, and construct projects in cooperation with cities and counties.

Public works districts in Alabama can sell water to cities and counties. Statutes specify that the Governor shall examine the accounts and books.

In Pennsylvania, these districts can cooperate with other special districts, other municipalities, and the Corps of Engineers or public authorities in the exercise of any or all district powers conferred. These districts have the power to operate facilities mutually, sell water or other commodities, and cooperate in construction of projects with cities and counties. The public utility commission must approve construction.

Tennessee statutes permit purchase and sale of water between special districts, cities, and counties. Relations with other government units are summarized for all States by types of special districts in table 8.

AMENDING, TERMINATION, AND MERGER PROVISIONS

As special districts are able to fulfill functions for which they were organized and as new problems or needs arise, changes in the emphasis or objectives of these districts may be desirable. The ease and speed with which a district may change by amendment, be terminated, or effect merger indicates its ability to adjust to current needs. However, change that is too easy can result in uncompleted projects, too much influence from certain factions, or false starts on new projects. The merging process allows districts that are too small for efficient operation and adequate capitalization of funds to effect economies of size. Amending, termination, and merger provisions are examined in detail for Appalachian districts. States in which amending provisions are specified are shown in table 9.

Soil conservation districts in Alabama, Kentucky, Maryland, North Carolina, Ohio, South Carolina, Virginia, and West Virginia can amend their geographic territory; however, in Alabama, lands involved must be contiguous.

Table 8.--Relations with other government units specified in State statutes, special districts, Appalachia, 1965 1/

Relations specified 2/	Ala.	Ga.	Ky.	Md.	N.C.	Ohio	Pa.	S.C.	Tenn.	Va.	W. Va.
Cooperation between districts:											
Cost-sharing on projects	WS,D		SC,S,WS		D	S,S&WS					
Planning projects	WS					S&WS					
Operation of facilities	WS		S,WS			S					
Purchases from districts	WS			S,S&WS	S&WS				PW		
Sales to districts	WS		S	S,S&WS	S&WS	S&WS		WS	PW	S&WS	S&WS
All powers conferred	SC		SC	SC	SC		SC,PW,WS			SC	SC
Subdistrict of a larger district subject to limitations			S								
Make surveys and investigations			S			S					
Establish joint zoning commissions					S						
Cooperate with municipalities							PW,WS				
Cooperate with public authorities							PW				
Joint construction of projects						S&WS					
Cooperation with cities:											
Conform with city zoning											
Planning projects	WS	SC	SC	SC		S&WS	SC,FC		SC		
Cost-sharing	WS		SC,S		D	S,S&WS	FC,WS				
Operation of facilities	WS	SC	S		D	S	PW,FC,WS				
Purchases from cities	WS		WS	S,S&WS	S&WS		WS		PW		
Sales to cities	PW,WS		S,WS	S,S&WS	S&WS	S&WS	FC,WS	WS	PW	S&WS	S&WS
Makes reports to cities											
Consultation	SC	SC		SC	SC			SC	SC	SC	SC
Construction of projects			S		D	S,S&WS	PW,FC				
Maintenance of projects			S		D	S	FC				
Surveys and investigations			S			S					
Joint zoning commission					S						
City planning								SC			
Cooperation with counties:											
Conform with zoning											
County planning		SC									
Plan projects	WS	SC	SC	SC		S&WS	FC	SC	SC		
Cost-sharing	WS,D		SC,S			S&WS	FC,WS	D			
Operation of facilities	WS	SC	S				PW,FC,WS				
Purchases from counties	WS			S,S&WS	S&WS		WS		PW		
Sales to counties	PW,WS		S	S,S&WS	S&WS	S&WS	PW,WS	WS	PW	S&WS	
Make reports to county	D		D	S	D			WS	D		
Consultation	SC	SC		SC	SC			SC	SC	SC	SC
Surveys and investigations			S								

See footnotes at end of table.

- - Continued

Table 8.--Relations with other government units specified in State statutes, special districts, Appalachia, 1965 1/ (Continued)

Relations specified 2/	Ala.	Ga.	Ky.	Md.	N.C.	Ohio	Pa.	S.C.	Tenn.	Va.	W. Va.
Cooperation with counties:											
County may exercise powers of district under service agreement						SC					
Construction of projects						S&WS	PW,FC,WS				
Maintenance of projects							FC				
State agencies--nonregulatory reports:											
State auditor										SC	
Secretary of state	SC		S,FC								
State water board					S&WS,D						
State soil conservation commission	SC	SC		SC		SC		SC	SC	SC	SC
County court			S,FC								
Governor examines accounts and books	PW										
State health commission						S&WS				S	
State agencies--regulatory aspects:											
Public utility commission must approve construction							PW				
State health commission must approve district										S	
State water control board controls discharge of sewage										S&WS	

1/ See table 2 for full names of special districts.
2/ For States with multiple enabling acts, provisions designated may appear in one or more statutes. See app. A.

Table 9.--Special districts for which amending procedures are specified, Appalachia, 1965 1/

Special districts	Ala.	Ky.	Md.	N.C.	Ohio	Pa.	S.C.	Va.	W. Va.
Soil conservation	X	X	X	X	X		X	X	X
Sanitation		X		X	X			X	X
Sanitation and water supply			X		X				X
Public works	X	X							
Recreation and parks					X			X	
Flood control									
Water supply						X			
Drainage	X	X		X			X		X

1/ Special district enabling acts in Georgia and Tennessee do not specify amending procedures. For those States with multiple enabling acts, provisions designated may appear in one or more statutes. See app. A.

For these districts, amending procedures are the same as formation procedures in most States. The exception is Kentucky, where the following requirements must be met:

1. The initiating petition must be signed by 25, or a majority if less than 25, landowners in the territory to be added and must contain a general description of the proposed project and a statement of the necessity for the district. Boundaries of the proposed district are set by a State committee.

2. A hearing must be held before the State soil conservation committee at which landowners, occupiers, or any interested person can be heard. Referendum on the petition is permitted, and a majority vote is required for passage. The referendum need not follow general election laws nor be held at the time of a general election.

3. The application is reviewed by the State soil conservation committee. Appeal of a denial of the petition may be made to this committee 6 months after the disapproval order.

Drainage districts are permitted to amend geographic territory in Alabama, Kentucky, North Carolina, South Carolina, and West Virginia. Districts in Kentucky and South Carolina can also amend their functions. Detailed amendment provisions are presented in table 10.

Recreation and parks districts in Ohio and Tennessee can amend their geographic territory; however, lands involved in Ohio must be contiguous. Other specifications for Ohio are: (1) The petition must be signed either by a majority of the electors residing in the territory or by not less than 50 such

Table 10.--Amending procedures for drainage districts, Appalachia, 1965 1/

Procedures	Ala. 2/	Ky. 1	Ky. 2	N.C. 3/	S.C. 4/	W. Va.
Initiating petition:						
Signers--one-third of the owners representing 50 percent of the land or one-half of the owners representing 33 percent of the land	X					
Requirements of signers:						
Landowners	X					
Board members of existing district		X	X	X	X	X
Any adjacent landowner		X	X		X	X
Landowners with board members				X		
Board of drainage commissioners					X	
Information in petition--metes and bounds or plat		X				
Who hears petition:						
County court		X	X		X	
Circuit court			X			
County probate court	X					
Clerk of superior court				X		
Landowners may appear at hearing	X	X	X	X	X	
Hearing board may redefine boundaries				X	X	
May appeal to superior court				X		
May appeal decisions of clerk of superior court				X		

1/ Enabling legislation for drainage districts in Ga., Md., Pa., Tenn., and Va. did not have specified amending procedures and therefore, these States are not listed.

2/ Ala. Code, tit. 2, §§ 208 to 262.

3/ N.C. Gen. Stat. §§ 156-54 to 156-138.3.

4/ S.C. Code Ann. §§ 18-401 to 18-638.

electors, or the board may of its own motion file the petition; (2) boundaries must be contiguous with maps included in the petition; and (3) the county court hears the petition and may redefine boundaries.

Sanitation and water supply districts in Maryland and Ohio can amend functions they perform and increase or decrease the number of these functions. Amending procedures are the same as formation procedures in both States and also in West Virginia. Board members of existing districts must sign initiating petitions in Maryland and Ohio.

Water supply districts in Pennsylvania can be amended to increase or decrease the number of functions they perform. A public hearing is required. In Kentucky, signers of the initiating petition must be board members of an existing water supply district or must be adjacent landowners. The county court hears both the petition and also any resident of the district or proposed territory. Appeals can be made to the circuit court.

Public works districts in Kentucky can amend their geographic territory. In Alabama and Pennsylvania, these districts can increase or decrease the number of their functions. In Alabama, the initiating petition must be signed by at least 5 percent of the qualified electors in an area containing at least 250 qualified electors, or the governing body may decide to submit the amendment to a vote. In Kentucky, a majority of the electors in the territory is required. In Pennsylvania, the petition must be a resolution or ordinance of a political subdivision.

In Alabama, to amend the functions of public works districts, a referendum is required and a majority vote is necessary for passage. The referendum is governed by general election laws and is held at the time of a general election.

Sanitation districts in Kentucky, North Carolina, Ohio, Virginia, and West Virginia may amend their geographic territory. In Maryland, petitions require 25 signatures. In North Carolina, a majority of adjacent landowners and 15 percent of landowners and residents are required. In Virginia, the governing body of the county and 25 percent of the qualified voters in the proposed area must sign. In West Virginia, 10 percent of the legal voters in the proposed addition are required. Board members of the existing district in Kentucky and Ohio sign the petition.

The circuit court hears petitions for amendments for sanitation districts in Kentucky and Virginia. County commissioners or supervisors hear petitions in Maryland and North Carolina. Also in North Carolina, petitions may be heard by State representatives, the State stream sanitation commission, the board of health, and the existing district board. The county court hears petitions in West Virginia. A referendum is required in North Carolina and West Virginia, and a majority vote is necessary for passage.

In Maryland, after approval by the hearing body, a sanitation district petition is reviewed by the State department of assessment and taxation. Their decision can be appealed to the county commissioners. Kentucky allows decisions to be appealed to the court of appeals.

Provisions for termination are necessary to dissolve a district when its objectives are completed. If legislative safeguards did not exist, a defunct district that had remained dormant for a long period could be revived unexpectedly for the gain of some at the expense of other district residents.

Termination procedures are shown in table 11. Other conditions under which the special district can be dissolved are: In West Virginia, sanitation districts can be disbanded when their territory is not benefited by any improvements; and Maryland's sanitation and water supply districts can be dissolved upon request by the district to the State tax commission and approval by the latter agency.

In Pennsylvania, when all obligations have been paid and discharged, a project of a public works district can be transferred to the municipality creating the district. A maximum lifespan of 50 years can be designated for the district.

Five years after their organization, soil conservation districts can be dissolved in Georgia, Kentucky, Maryland, North Carolina, Pennsylvania, South Carolina, Tennessee, and West Virginia. Ohio districts can be dissolved 3 years after their organization and Virginia districts, after 2 years. In South Carolina, portions of a district that lie within separate counties can withdraw from the district and reconstitute themselves as a separate district.

Apparently, not all types of special districts in the States studied have termination procedures spelled out in statutes. Legislation for soil conservation districts appears to be the most specific and inclusive in termination procedures.

Mergers of special districts are permitted in certain States. Merger allows districts operating below optimum-size efficiency to use joint management facilities and other economies. Merger requirements include:

1. Sanitation districts in North Carolina can be annexed by the city; however, a referendum is required. The city or town assumes all obligations when a merger occurs. In Ohio, these districts can merge with a city when such a merger would be beneficial for public health, safety, convenience, or welfare; here, a public hearing is required. In Virginia, these districts can petition for a merger with a special tax levied to pay off bonds outstanding.

2. Sanitation and water supply districts in West Virginia can merge after following provisions for hearing, notice, and protest as these apply to formation. In Ohio, consent of two-thirds of the members of each of the boards involved is required for merger.

3. Drainage districts can merge in North Carolina if more than one district is located in a drainage basin or waterway. Petitions and public hearings are required in North and South Carolina and West Virginia. Referenda are also required in South Carolina and West Virginia.

Table 11.--Termination procedures for special districts, Appalachia, 1965 1/

Item 2/	Ala.	Ga.	Ky.	Md.	N.C.	Ohio	Pa.	S.C.	Tenn.	Va.	W. Va.
Termination procedures:											
Petition	SC,D	SC	SC,D	SC	SC,S	SC		SC	SC	SC, S	SC, S
Public hearing required	D		D		S						
Referendum	SC	SC	SC	SC	SC	SC		SC	SC	SC	SC, S
Notice to all interested parties			SC,D								
Public hearing permitted	SC	SC	SC	SC	SC			SC	SC	SC	SC
Order of county court			S								D
Repeal by county board							SC				
Established by enabling statute							WS				
Certificate				S&WS			PW,WS				
Approved by municipality				S&WS			PW				
Resolution of subdivision	WS										
Existing debt:											
All obligations satisfied first	D		S	S&WS	S		PW			S	
No bonded indebtedness incurred	WS										S
Distribution of assets:											
Funds among counties comprising district							SC				
To State		SC	SC	SC	SC			SC	SC	SC	SC
Sale at public auction	SC	SC	SC	SC	SC			SC	SC	SC	SC
Creating authority	WS						WS				
Contracts remain in force transferred to State											
Soil and water conservation committee		SC									

1/ See table 2 for full names of special districts.
2/ For States with multiple enabling acts, provisions designated may appear in one or more statutes. See appendix A.

4. Soil conservation districts in Maryland must submit a petition and hold a referendum. Provision is made in the statutes for a public hearing. Petition is required for merger in South Carolina.

APPENDIX A: SPECIAL DISTRICT ENABLING LEGISLATION AS OF 1965

Conservancy Districts

Alabama	
Watershed Conservancy Districts	Ala. Code tit. 2, §§ 670(1) et. seq. (1958)
Kentucky	
Watershed Conservancy Districts	Ky. Rev. Stat. §§ 262.700 et. seq. (1964)
Maryland	
County Commissioners--Erosion	Md. Ann. Code art. 25, §§ 161 to 167
North Carolina	
Watershed Improvement Districts	N.C. Gen. Stat. §§ 139-16 et. seq. (1964)
Ohio	
Conservancy Districts (Includes Irrigation Districts)	Ohio Rev. Code §§ 6101 et. seq. (1953) (Anderson Supp. 1964)
Tennessee	
Watershed District Act of 1955	Tenn. Code Ann. §§ 70-1801 to 70-1849 (1964)
Virginia	
Watershed Improvement Districts	Va. Code Ann. §§ 21-112.1 to 21-112.21
West Virginia	
Watershed Improvement Districts	W. Va. Code Ann. §§ 2193(15) to 2193(27) (1961)

Drainage Districts

Alabama	
Drainage	Ala. Code tit. 2, §§ 208 to 262
Drainage (Subdistricts)	Ala. Code tit. 2, §§ 263 to 273
Georgia	
System of County Drainage	Ga. Code Ann. §§ 23-2501 to 23-2573

Kentucky

Drainage and Reclamation Act of 1912	Ky. Rev. Stat. §§ 267.010 to 267.990
Drainage and Reclamation Act of 1918	Ky. Rev. Stat. §§ 268.010 to 268.990

Maryland

Draining Lands	Md. Ann. Code art. 25, §§ 96 to 122

North Carolina

Drainage Districts	N.C. Gen. Stat. §§ 156-54 to 156-138.3
Agricultural Development Districts	N.C. Gen. Stat. §§ 107-1 to 107-25

Pennsylvania

Drainage of Marsh Lands	Pa. Stat. Ann. tit. 3, §§ 741-744 (1963)

South Carolina

Drainage Districts Under 1911 Act	S.C. Code Ann. §§ 18-201 to 18-333
Drainage Districts Under 1920 Act	S.C. Code Ann. §§ 18-401 to 18-638

Tennessee

Drainage and Levee Districts	Tenn. Code Ann. §§ 70-701 to 70-1703

Virginia

Drainage Projects	Va. Code Ann. §§ 21-292 to 21-426

West Virginia

Drainage Districts	W. Va. Code Ann. §§ 2153 to 2193

Flood Control Districts

Kentucky

Districts to Maintain and Operate Flood Control Works	Ky. Rev. Stat. §§ 104.450 to 104.680
Levees	Ky. Rev. Stat. §§ 266.010 to 266.990

Pennsylvania

Prevention and Control of Floods, Flood Control Districts	Pa. Stat. Ann. tit. 32, §§ 653 to 672

Park and Recreation Districts

North Carolina

Recreation Enabling Law	N.C. Gen. Stat. §§ 160-155 to 160-164

Ohio

Park Districts	Ohio Rev. Code Ann. §§ 1545.01 to 1545.99

Soil Conservation Districts

Alabama

Soil Conservation Districts	Ala. Code tit. 2, §§ 658 et. seq.

Georgia

Soil and Water Conservation Districts	Ga. Code Ann. §§ 5-1901 et. seq. (1962)

Kentucky

Soil and Water Conservation	Ky. Rev. Stat. §§ 262.010 et. seq. (1964)

Maryland

Maryland Soil Conservation Districts Law	Md. Ann. Code art. 66c, §§ 88 et. seq. (1957)

North Carolina

Soil and Water Conservation Districts Law	N.C. Gen. Stat. §§ 139-1 et. seq. (1964)

Ohio

/Ohio/ Soil /and Water/ Conservation Committee	Ohio Rev. Code §§ 1515 et. seq. (1964)

Pennsylvania

Soil Conservation Law--Soil Conservation Districts	Pa. Stat. Ann. tit. 3, §§ 853-862 (1963)

South Carolina

Soil Conservation Districts Law	S.C. Code Ann. §§ 63-51 et. seq. (1962)

Tennessee

Soil Conservation Districts Law	Tenn. Code Ann. §§ 43-1501 et seq. (1964)

Virginia

Soil Conservation Districts Law	Va. Code Ann. §§ 21-1 et. seq. (1960)

West Virginia

Soil Conservation Districts Law of W. Va.	W. Va. Code Ann. §§ 2193(1) et. seq. (1961)

Sanitation Districts

Kentucky

City-County Metropolitan Sewer Districts	Ky. Rev. Stat. §§ 76.005 to 76.230
Sewer Construction Districts	Ky. Rev. Stat. §§ 76.300 to 76.420
Construction Subdistricts	Ky. Rev. Stat. §§ 76.241 to 76.281
Sanitation Districts	Ky. Rev. Stat. §§ 220.010 to 220.540

Maryland

Sanitary Districts	Md. Ann. Code art. 43, §§ 645 to 673

North Carolina

Sanitary Districts	N.C. Gen. Stat. §§ 130-123 to 130-156.1
North Carolina Metropolitan Sewerage Districts Acts	N.C. Gen. Stat. §§ 153-295 to 153-324

Ohio

Sanitary Districts	Ohio Rev. Code Ann. §§ 6115.01 to 6115.99

Tennessee

Sanitary Districts	Tenn. Code Ann. §§ 6-2501 to 6-2533

Virginia

Sanitary Districts	Va. Code Ann. §§ 21-112.22 to 21-140.3
Sanitation Districts Law of 1946--Non-Tidal Waters	Va. Code Ann. §§ 21-224 to 21-290

West Virginia

Sanitary Districts for Sewage Disposal	W. Va. Code Ann. §§ 1409(1) to 1409(14)

Sanitation and Water Supply Districts

Maryland

Water and/or Sewer Authorities	Md. Ann. Code art. 43, §§ 445 to 466

North Carolina

North Carolina Water and Sewer Authorities Act	N.C. Gen. Stat. §§ 162A-1 to 162A-19

Ohio

Regional Water and Sewer Districts	Ohio Rev. Code Ann. §§ 6119.01 to 6119.42

Virginia

Virginia Water and Sewer Authorities Act	Va. Code Ann. §§ 15.1-1239 to 15.1-1270

West Virginia

Public Service Districts for Water and Sewerage Services	W. Va. Code Ann. §§ 1409(38a) to 1409(38x)

Water Supply Districts

Kentucky

Water Districts	Ky. Rev. Stat. §§ 74.010 to 74.416

Pennsylvania

Water Supply Districts	Pa. Stat. Ann. tit. 15, §§ 1474a to 1479v
County Water Supply Authority	Pa. Stat. Ann. tit. 16, §§ 12901 to 12915

Public Works Districts

Alabama	
Improvement Authorities	Ala. Code tit. 50, §§ 17 to 50
Kentucky	
Urban Services Districts	Ky. Rev. Stat. §§ 108.010 to 108.070
Pennsylvania	
Municipality Authorities Act of 1945	Pa. Stat. Ann. tit. 53, §§ 301 to 322
South Carolina	
Districts for Certain Public Works	S.C. Code Ann. §§ 59-601 to 59-625
Districts for Certain Public Works	S.C. Code Ann. §§ 59-626 to 59-626.10
Districts for Certain Public Works	S.C. Code Ann. §§ 59-635 to 59-635.5
Districts for Certain Public Works	S.C. Code Ann. §§ 59-641 to 59-641.4
Tennessee	
Utility Districts (The Utility District Law of 1937)	Tenn. Code Ann. §§ 6-2601 to 6-2636

APPENDIX B: WORKSHEET ON STATE ENABLING STATUTES

State_____

Legal-Economic Study of Local Resource Organizations

INSTRUCTIONS

Mark one (or none) of the following symbols in the blank to the left of the appropriate items:

X	= major power
√	= minor or implied power
blank	= not mentioned in the statutes
P	= specifically prohibited

Write the appropriate citation after each subheading so that any questions can be easily referred back to the statutes.

Where specific data are required or where unusual circumstances require explanation or further research, make such notations in the margin just to the right of the appropriate question. Continue lengthy explanations on the back of the page.

Title of statute_____

Legal citation_____

Geographic area covered_____

Type of organization:

_____ Special district
_____ Authority
_____ Interstate compact
_____ Commission
_____ Board
_____ Committee
_____ Other (specify)

Primary orientation of organization

_____ Land use
_____ Water use
_____ Other (specify)

I. PURPOSES OF THE ORGANIZATION

A. _____ Conserve the soil and water resources of the State

B. _____ Control and prevent erosion

C. _____ Prevent floodwater and sediment damages

D. _____ Further the conservation, development, utilization, and disposal of water

E. _____ Preserve natural resources

F. _____ Prevent impairment of dams and reservoirs

G. _____ Preserve wildlife

H. _____ Protect the tax base

I. _____ Protect public lands

J. _____ Promote the health, safety, and general welfare of the people

K. _____ Prevent floods

L. _____ Regulate stream channels by changing, widening, and deepening

M. _____ Reclaim land

N. _____ Provide irrigation where needed

O. _____ Regulate the flow of streams

P. _____ Divert or eliminate in whole or in part watercourses or part of their flowage

Q. _____ Develop and provide water for (domestic) (industrial) (agricultural) use

1. _____ Construction of facilities
2. _____ Operation and maintenance of water storage facilities
3. _____ Distribution of water
4. _____ Treatment of water
5. _____ Facilities for supplying water
6. _____ Other (specify)

R. _____ Conduct preliminary surveys

S. _____ Develop a plan for comprehensive control, regulation, and/or use of land or water resources

T. _____ Coordinate the operations, works, and facilities of two or more other districts

U. _____ Coordinate the operations, works, and facilities of two or more municipalities

V. _____ Provide for drainage of lands

W. _____ Provide for drainage of irrigated lands

X. _____ Construct levees

Y. _____ Other (specify)

II. FORMATION PROCEDURES

A. Initiating petition
   1. Number of signers required_____
   2. Requirements of signers:

   3. Bond required (_____ yes; _____ no)
      If yes,
      a. Amount of bond_____
      b. Who is bonded?

      c. Other conditions:

   4. Information contained in petition
      a. Must boundaries be contiguous? (____ yes; _____ no)
      b. What areas, if any, are specifically included or excluded? (specify)

      c. Description of project:
         1. _____ General
         2. _____ Detailed
      d. _____ Purposes of district
      e. _____ Necessity for district
      f. _____ Maps
      g. _____ Other (explain)

B. Hearing
   1. Who hears petition?
      a. _____ Judge (identify)
      b. _____ County board (identify)
      c. _____ State board (identify)
      d. _____ Other (identify)
   2. Who may appear?
      a. _____ Landowners
      b. _____ Expert witnesses
      c. _____ Any interested person
      d. _____ Other (specify)
   3. Can hearing board redefine boundaries? (_____ yes; _____ no)

C. Referendum
   1. Referendum is
      a. _____ Required
      b. _____ Permitted
   2. What vote is required to pass?

3. Does referendum follow general election laws? (____ yes; _____ no)
4. Is referendum held at time of general election?(___ yes; ____ no)
5. Election expenses paid by whom?

6. Provisions for contesting election:

D. Public notice
(For each required, State media--newspaper, letters, radio, posted notice, etc.)
1. _____ Required for hearing
2. _____ Required for referendum
3. _____ Required for annual meetings

E. Review provisions
1. Reviewed by whom?

2. Review occurs at what stage of formation?

3. Conditions of review:

F. Appeal provisions
1. Appeal to whom?

2. What decisions can be appealed?

3. Conditions of appeal:

III. GOVERNING BOARD

A. Name of governing board:

B. Number of members:
1. _____ Number appointed
2. _____ Number elected

C. Board members elected at
1. _____ Annual meetings
2. _____ Special meetings
3. _____ Time of general elections
4. _____ Special elections

D. Board members appointed by
(Include only members subsequent to initial board)
1. _____ County commissioners
2. _____ Judge (specify which)
3. _____ Appointees must be endorsed by
   a. _____ Number of residents
   b. _____ Board of directors
   c. _____ Other

E. Residence requirements and/or other criteria for directors:

F. Provision for establishing initial board for new districts:

G. Term of office for directors
(Include only directors subsequent to initial board)
1. _____ Years elected directors
2. _____ Years appointed directors

IV. FINANCIAL POWERS

A. _____ Levy taxes
_____ Special assessment
_____ General property tax
_____ Other (specify)
1. State specifications for special assessment:

2. Rate limitations for all taxes assessed:

3. How and by whom are taxes collected?

B. _____ Issue bonds
_____ General obligation bonds
_____ Negotiable coupon bonds
1. Referendum required (____ yes; ____ no)
2. Limitation on indebtedness
a. Interest limited to _____ percent
b. Size of debt limited to _____
c. Source of debt limitation
Statute article _____
Constitution article _____

C. _____ Accept Federal financing
1. Specify which agency:

2. Specify purposes for which money can be used:

3. Specify repayment provisions:

4. Specify any other conditions:

D. _____ Accept State financing
1. Specify which agency (agencies):

2. Specify purposes for which money can be used:

3. Specify repayment provisions:

4. Specify any other conditions:

E. _____ Charge user fees
1. Rates established by
a. _____ Statute
b. _____ District
c. _____ Other agency (specify)

F. _____ Sell land

V. OTHER POWERS

A. _____ Eminent domain
1. _____ Fee
2. _____ Less than fee

B. _____ Enter into contracts

C. _____ Buy real property
1. _____ Fee
2. _____ Less than fee

D. _____ Sell real property
1. _____ Fee
2. _____ Less than fee

E. _____ Buy personal property

F. _____ Sell personal property

G. _____ Cooperate with other districts

H. _____ Cooperate with State agencies

I. _____ Cooperate with Federal agencies

J. _____ Regulatory powers
1. _____ Set standards
2. _____ Set rates
3. _____ Issue permits
4. _____ Allocate uses
5. _____ Allocate quantities
6. _____ Supervise activities (specify)

K. _____ Conduct investigations
1. _____ Prior to formal organization
2. _____ After organization

Specify nature of investigations:

L. _____ Make improvements

VI. DUTIES OF BOARD OF DIRECTORS IN ADDITION TO ABOVE POWERS:

VII. RELATIONS WITH OTHER GOVERNMENTAL UNITS

A. Between districts

1. _____ Cost sharing on projects
2. _____ Planning on projects
3. _____ Mutual operation of facilities
4. _____ (Purchase) (sell) water or other commodities to other districts
5. _____ Other (specify)

B. With other local governments

1. _____ Cities
   a. _____ Conform with city zoning ordinances
   b. _____ Planning on projects
   c. _____ Cost sharing on projects
   d. _____ Mutual operation of facilities
   e. _____ (Purchase) (sell) water or other commodities (from) (to) cities (specify commodity)
   f. _____ Participate in city planning
   g. _____ Make reports to city (specify nature and frequency)
   h. _____ Other (specify)

2. _____ Counties
   a. _____ Conform with county zoning ordinances
   b. _____ Participate in county planning
   c. _____ Planning on projects
   d. _____ Cost sharing on projects
   e. _____ Mutual operation of facilities
   f. _____ (Purchase) (sell) water or other commodities (from) (to) county (specify commodity)
   g. _____ Make reports to county (specify nature and frequency)
   h. _____ Other (specify)

3. _____ Other organizations (Regional planning councils, river basin commissions, Appalachian Commission, etc.) (Specify organization and nature of relationship)

C. With State agencies

1. Nonregulatory reports (specify nature and frequency)
   a. _____ State Treasurer
   b. _____ State Auditor

c. _____ Secretary of State
d. _____ State Engineer
e. _____ State Water Board
f. _____ Natural Resources Board
g. _____ State Soil Conservation Committee
h. _____ Other (specify)

2. Regulatory aspects. (Specify State agencies that exercise a regulatory power over the local resource organization. Describe the nature and extent of such powers. Examples: State Tax Commission regulates tax levels: State Irrigation Board controls amount of debt for irrigation districts, etc.)

D. With Federal Government

1. Nonregulatory reports (specify nature and frequency)
   a. _____ Bureau of Reclamation
   b. _____ Corps of Engineers
   c. _____ Department of Agriculture
      (1) _____ Soil Conservation Service
      (2) _____ Farmers Home Administration
      (3) _____ Other (specify)
   d. _____ Congress
   e. _____ Other Federal (specify)

2. Regulatory aspects. (Specify Federal agencies that exercise a regulatory power over the local resource organization. Describe the nature and extent of such powers. Example: Department of Agriculture and Congress must approve plans of small watershed projects.)

VIII. FEDERAL AID

A. Financial aid

1. Source of funds:

2. Specify uses that may be made of funds:

3. State minimum and maximum amounts of funds that may be transferred in such agreements:

4. Specify repayment provisions:

5. What is interest rate?

6. Indicate specific cost-sharing arrangements

7. Explain channels through which funds are directed:

IX. PLANNING ACTIVITIES

A. Preorganization investigation

1. _____ Economic studies
2. _____ Impact on local tax structure
3. _____ Impact on local debt structure
4. _____ Detailed engineering studies
5. _____ Costs of construction
6. _____ Costs of operation and maintenance
7. _____ Area maps
8. _____ Other (specify)

B. Postorganization investigation

1. _____ Economic studies
2. _____ Impact on local tax structure
3. _____ Impact on local debt structure
4. _____ Detailed engineering studies
5. _____ Costs of construction
6. _____ Costs of operation and maintenance
7. _____ Area maps
8. _____ Other (specify)

C. Participation in regional planning activities

1. _____ Construction of zoning ordinances
2. _____ Participation in area planning activities
3. _____ Coordination of district activities with area plan specifications
4. _____ Other

X. AMENDING PROVISIONS

A. Amending provisions pertain to

1. _____ Geographic territory
   Must lands be contiguous? (___yes; ___ no; ___ not stated)
2. _____ Functions performed
   Number of functions performed (___ increased; ___ decreased)

B. Amending procedures

1. Initiating petition
   a. Number of signers required _____
   b. Requirements of signers:

   c. Bond required (____ yes; ____ no)
      If yes,
      (1) Amount of bond _____

(2) Who is bonded?
(3) Other conditions:

d. Information contained in petition
(1) Must boundaries be contiguous? (___ yes; ____ no)
(2) What areas, if any, are specifically included or excluded? (specify)
(3) Description of project
_____ General
_____ Detailed
(4) _____ Purposes of districts
(5) _____ Necessity for district
(6) _____ Maps
(7) _____ Other (explain)

2. Hearing
a. Who hears petition?
(1) _____ Judge (identify)
(2) _____ County board (identify)
(3) _____ State board (identify)
(4) _____ District officers
(5) _____ Other (identify)

b. Who may appear?
(1) _____ Landowners
(2) _____ Expert witnesses
(3) _____ Any interested person
(4) _____ Other (specify)

c. Can hearing board redefine boundaries? (___ yes; ____ no)

3. Referendum
a. Referendum is
(1) _____ Required
(2) _____ Permitted

b. What vote is required to pass?
Conditions of vote by residents of existing district

Conditions of vote by residents of new territory

c. Does referendum follow general election laws? (___ yes; ___ no)

d. Is referendum held at time of general election? (___ yes; ___no)

e. Election expenses paid by whom?

f. Provisions for contesting election:

4. Review provisions
   a. Reviewed by whom?

   b. Review occurs at what stage of formation?

   c. Conditions of review:

5. Appeal provisions
   a. Appeal to whom?

   b. What decisions can be appealed?

   c. Conditions of appeal:

C. Other special provisions of amending procedures:

XI. TERMINATION

A. Procedures that must be followed:
   1. Elections
   2. Meetings of voters
   3. Public hearings
   4. Other

B. Specify conditions under which district can be dissolved:
   1. Existing debt
   2. Distribution of assets
   3. Other

C. Requirements to be met in dissolution process:

XII. MERGER

A. May districts merge?
   For what reasons?

B. Procedures that must be followed:
   1. Elections
   2. Meetings of voters
   3. Public hearings
   4. Other

C. Must districts be organized under same statute? (___ yes; ___ no)

D. Must boundaries be contiguous? (___ yes; ___ no)

E. Specify conditions of merger:
   1. Existing debt
   2. Distribution of assets
   3. Other

F. Are any changes in functions involved? (___ yes; ___ no) (specify)

XIII. SUBDISTRICTS

A. Are subdistricts allowed? (___ yes; ___ no)

B. What is required geographic proximity to original district?

C. Formation procedures are (identical with) (different from) those for original district .

D. How do taxing powers differ?

E. How do debt provisions differ?

F. Are the authorized powers the same? (___ yes; ___ no)

G. Other (If substantial provisions exist for creating subdistricts, complete a separate worksheet.)

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250

OFFICIAL BUSINESS

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